

**OFFICE OF PROFESSIONAL REGULATION  
OF THE SUPREME COURT OF IOWA**



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Memorandum for: Publication

From: Paul H. Wieck II, Director

Subject: Distance Education Changes as Adopted

Date: March 21, 2014

This memo summarizes the rule changes adopted March 21, 2014, regarding the use of distance education in continuing legal education (CLE). These changes were recommended by the Commission on CLE following the commission's study of distance education practices and the provisions of the Iowa CLE rules for over a year.

#### Overview

New defined terms are adopted for "moderated" and "unmoderated" activities. The term "computer-based" now describes only self-paced instruction.

A "moderated activity" includes live in-person seminars, live satellite transmissions of video and audio, live video conferences, live webcasts whether audio-only or audio plus video, live teleconferences, video replays with a live moderator, and audio replays with a live moderator.

An "unmoderated" activity includes delayed or on-demand transmissions, pre-recorded media, self-paced computer-based instruction, or other format, which have an interactive component and are approved by the commission in guidelines. The commission is authorized to publish guidelines prescribing requirements for accreditation of unmoderated activities.

### Rule 41.3

Rule 41.3 is revised to remove the term “computer based” and replace it with the term “unmoderated.” The annual six hour limit on computer based instruction is retained for unmoderated activities.

### Rule 42.1

Iowa Court Rule 42.1 is revised to define the terms “moderated activity” and “unmoderated activity” and authorize the commission to adopt guidelines for accreditation of unmoderated activities.

### Rule 42.2

Iowa Court Rule 42.2(1) is revised to conform the ethics attendance provisions to previously adopted changes regarding the biennial ethics attendance requirement.

### Rule 42.3

Iowa Court Rule 42.2(1) is revised to remove the former provisions regarding “computer based transmission” and replace them with provisions for moderated and unmoderated programming. The form of unmoderated programming must be approved by the commission based on its guidelines.

### Rule 42.4

Iowa Court Rules 42.4(1) and 42.4(2) are revised to allow applications for accreditation before or after an activity is conducted without a time limit. This change conforms the rules to existing practice.

### Commission Guidelines

The commission intends to adopt initial guidelines for unmoderated programming. An unmoderated activity must have an interactive component, but the new guidelines will contemplate a wider array of acceptable types of interactivity than the former rules.

An unmoderated activity must have lawyers as the target audience.

An unmoderated activity must include high quality written materials.

An unmoderated activity will not be approved for a period beyond one year after the last content revision, unless the commission determines the content remains substantively current.

The sponsor of an unmoderated activity will be required to verify attendance and completion and retain the verification information for two years.

The six hour limit will be preserved for unmoderated events.

True self-study will remain ineligible for credit in Iowa.